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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE EASTERN DISTRICT OF CALIFORNIA  
5

6 UNITED STATES OF AMERICA, ) CASE NO. 2:03-cr-379-JAM  
7 )  
8 Plaintiff, )  
9 v. ) ORDER AMENDING THE JUDGMENT  
10 YULY KROYTOR )  
11 Defendant. )  
12 \_\_\_\_\_ )

13  
14 Pending before the Court is the Defendant's May 14, 2012, Motion  
15 to Correct the Judgment and Commitment order in this case. On June  
16 22, 2012, the United States Attorney's Office for the Eastern  
17 District of California filed a statement of non-opposition to the  
18 motion.

19 ORDER

20 The Court has given notice the parties that the Court deems  
21 appropriate. Fed. R. Crim. P. 36.

22 The Court finds that, prior to the entry of the original  
23 sentence, the defendant had tendered sufficient payment to make any  
24 victim of the crime of conviction whole.

25 Therefore, the previous amendment of the Judgment and Sentence,  
26 modified on September 8, 2011, created "an error in the record  
27 arising from oversight" because it added an order of restitution  
28 where one was not permitted by statute. Id.

Accordingly, the Judgment and sentence in this case is re-amended, nunc pro tunc, to remove the order of restitution which was added on September 8, 2011.

IT IS SO ORDERED.

Dated: July 17, 2012

/s/ John A. Mendez  
The Honorable John A. Mendez  
United States District Judge